REMARKS

Claims 68-81 remain in the case.

Applicants note with appreciation the approval of the proposed drawing correction and request an extension of time until issuance of a Notice of Allowability to file a new formal drawing of Fig. 34 with the approved correction. The specification has been amended to overcome objections of the Examiner to the amended paragraphs filed in the last Amendment. Claim 70 has been amended to change "the" to "an" in line 3 to avoid having an insufficient antecedent, and claim 73 has been amended to correct "design watch information" to "watch design information."

Claims 68-72 and 74-81 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the U.S. Patent to Matsuzaki et al. No. 5,357,439 in view of the Design Patent to d'Huart Des. 345,509. This rejection is respectfully traversed.

Initially, on page 5 of the Office Action, the Examiner attributes to Matsuzaki et al. features of claim 68 which this patent does not teach. Claim 68 includes the step of providing in the maker-side host computer a design software. The Examiner does not identify in Matsuzaki et al. such software but instead attempts to equate this software with this patent's product design creating means 10 of Fig. 1. It appears, however, that the product design creating means 10 is not software, but a hardware unit. Column 7, lines 11-15, of Matsuzaki et al. states that the required specification storing unit 1-11, the combination design unit 1-10, the product model storing unit 1-12, the consumer management data storing unit 1-14, and the due data checking unit 1-9 compose a product design creating means 10 (See also Figs. 1 and 2). Because the product design creating means 10 is a hardware unit, the product design creating means 10

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cannot be sent from the maker-side host computer to the consumer terminal and cannot be received in the consumer terminal. Furthermore, Matsuzaki et al. also does not disclose or suggest the steps in claim 68 of providing the design software to the consumer terminal or receiving the design software in the consumer terminal from the maker-side host computer.

Claim 68 includes an additional step of selecting in the consumer terminal desired watch constituent parts in accordance with the input from the consumer terminal by using the design software. The system disclosed in Matsuzaki et al. produces a design product such as a toy plane as shown in Figs. 9 and 10 in accordance with the customer's specification entered by the product specification defining system 1 as shown in Fig. 6 and discussed beginning at column 9, line 10. The customer does not appear to select the parts of the desired product, but inputs the specification for the desired product in contrast to this step.

The design patent to d'Huart does not correct the deficiencies in Matsuzaki et al., such as those discussed above. It shows an ornamental watch design but no provision of or suggestion of providing watch parts digital information or design software or other steps of claim 68 absent from Matsuzaki et al. d'Huart also lacks, as does Matsuzaki et al., any suggestion of the desirability for modifying the latter reference. The mere fact that prior art may be modified as suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification. Applicants submit the Examiner's assertion of motivation is conclusionary, at best, without a convincing line of reasoning to support it, and, thus, a prima facie case for obviousness has not been made.

The claims dependent on claim 68 are patentable over Matsuzaki et al. and d'Huart based not only on their dependency from claim 68 but also for any novel or unobvious steps. By way of example only, claim 70 recites confirming color tone according to original watch outward design informalities; claim 75 recites selecting location, number, length, font, and color of a dial-plate message on the screen of the consumer terminal by using the design software; claim 76 recites displaying a plurality of sample patterns on the same screen of the consumer terminal by using the design software; claim 78 recites inputting in the consumer terminal message information independently created by the consumer; and claim 79 recites inputting in the consumer terminal watch design information independently created by the consumer.

The Examiner also rejected claims 71-74 and 76 based on Matsuzaki et al. and d'Huart further in view of the Maxey et al. publication. This rejection is also respectfully traversed. This additional reference includes excerpts from an AutoCAD manual and is relevant in the view of the Examiner because Matsuzaki et al. mentions in col. 6 that the designing department on the manufacturing side includes design CAD systems. The Examiner apparently believes that this manual alone specifically discloses the step of displaying on the consumer terminal by using the design software the content of five dependent claims, namely, claims 71-74 and 76. However, it has not been shown specifically where in the Maxey et al. excerpts it teaches, as alleged, displaying on a screen of the consumer terminal watches, watch parts, designation of parts, enlarged view of a design watch, plurality of watches, sample patterns, etc., as variously recited in these five claims. If the Examiner persists with this rejection, he is respectfully

requested to identify by page(s) and line(s) where the contents of these claimed steps are specifically disclosed in Maxey et al.
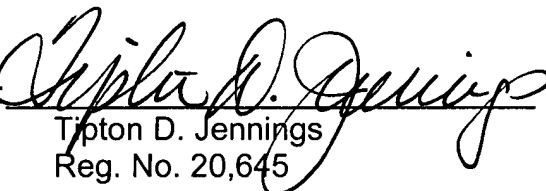
Reconsideration and allowance of claims 68-81 are earnestly solicited.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By

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